IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

ORDER

10 KIFA MUHAMMAD,

Plaintiff,

No. CIV S-02-0006 LKK CMK P

VS.

SAN JOAQUIN COUNTY, et al.,

Defendants.

On September 16, 2005, plaintiff filed a "statement of disputed material facts," "motion for production of documents set no. two," "motion and opposition of summary of judgment" and "declaration in support of plaintiff motion and opposition of summary judgment." These documents were not served on defendants. Plaintiff is advised that every document submitted to the court for consideration must be served on defendants. Fed. R. Civ. P. 5.

Documents not to be served electronically are usually served by placing a copy in the U.S. mail. If an attorney has filed a document with the court on behalf of any defendants, then documents submitted by plaintiff must be served on that attorney and not on the defendants. Every document submitted conventionally to the court (e.g., by a prisoner proceeding pro se) must include a certificate stating the date an accurate copy of the document was mailed to defendants or their attorney and the address to which it was mailed. See Local Rule 5-135(b) and (c).

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Accordingly, IT IS HEREBY ORDERED that plaintiff's September 16, 2005 "statement of disputed material facts," "motion for production of documents set no. two," "motion and opposition of summary of judgment" and "declaration in support of plaintiff motion and opposition of summary judgment" are denied without prejudice. Plaintiff is cautioned that failure to properly serve any documents subsequently filed in this action, and failure to include a proper certificate of service with such filing, may result in a recommendation that this action be dismissed.

DATED: September 21, 2005.

CRAIGM. KELLISON
UNITED STATES MAGISTRATE JUDGE